

16552

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
Mississippi Commission on Environmental Quality
Mississippi Department of Environmental Quality

FILED
OCT 26 2009
MISSISSIPPI
SECRETARY OF STATE

Mississippi Commission on Environmental
Quality
Department of Environmental Quality
Post Office Box 2261
Jackson, Mississippi 39225-2261
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Specific Legal Authority Authorizing the promulgation of
Rule:
Miss. Code Ann. Section 53-7-11 (2003), and Miss. Code
Ann. § 49-2-9(1) (2003).
Reference to Rules repealed, amended or suspended by the
Proposed Rule : amends Mississippi Surface Mining and
Reclamation Rules and Regulations (GEO-1).

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: The purpose of the proposed amendment to the Mississippi Surface Mining and Reclamation Rules and Regulations (GEO-1) is to make these regulations consistent with recent amendments to the Mississippi Surface Mining and Reclamation Act (Miss. Code Ann. Sections 53-7-1, et seq.). The proposed amendment allows for a fee for Surface Mine Worker Safety Training conducted by MDEQ. These funds will be used to support this training program. In addition, the proposed amendment includes an exemption for certain excavations made by the owner of land where the excavated material is not transported off the owner's land.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding:

Check one box below:

☒ An oral proceeding is scheduled on this rule on

Date: December 3, 2009

Time: 5:00 p.m.

Place: MDEQ Offices, Commission Hearing Rm on 1st floor, 515 E. Amite Street, Jackson, MS 39201

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:


☒ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: October 26, 2009

Proposed Effective Date of Rule: January 10, 2010


Theodore D. Lampton III, Senior Attorney